



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,047	07/10/2001	Paul Irma Albertus Van Dijk	CM2394M	7758

27752 7590 09/27/2002

THE PROCTER & GAMBLE COMPANY
INTELLECTUAL PROPERTY DIVISION
WINTON HILL TECHNICAL CENTER - BOX 161
6110 CENTER HILL AVENUE
CINCINNATI, OH 45224

EXAMINER

OH, SIMON J

ART UNIT PAPER NUMBER

1615

DATE MAILED: 09/27/2002

4

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	09/902,047		VAN DIJK, PAUL IRMA ALBERTUS	
	Examiner		Art Unit	
	Simon J. Oh		1615	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-11 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on ____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). ____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

Acknowledgment is made of applicant's claim for foreign priority based on an application filed with the European Patent Office on July 10, 2000. It is noted, however, that applicant has not filed a certified copy of the EP 00870158.3 application as required by 35 U.S.C. 119(b).

Claim Rejections - 35 USC § 112

The following is a quotation of the fourth paragraph of 35 U.S.C. 112:

Subject to the following paragraph, a claim in dependent form shall contain a reference to a claim previously set forth and then specify a further limitation of the subject matter claimed. A claim in dependent form shall be construed to incorporate by reference all the limitations of the claim to which it refers..

Claim 1 is rejected under 35 U.S.C. 112, fourth paragraph, as being a dependent that fails to make reference to a claim previously set forth. Claim 9 depends on itself and is therefore in improper form.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Van Dijk (WIPO Document No. 98/24874) in view of Sanders (U.S. Patent No. 4,264,365).

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

The Van Dijk document teaches a coated detergent tablet composition, the coating comprising a dicarboxylic acid (See Abstract). Preferred dicarboxylic acids are those with 2 to 13 carbon atoms, and specifically listed acids include oxalic acid, malonic acid, succinic acid, glutaric acid, adipic acid (i.e. 1, 6-hexanedioic acid), pimelic acid, suberic acid, azelaic acid, sebacic acid, undecanedioic acid, dodecanedioic acid, tridecanedioic acid, and mixtures thereof (See Page 5, Lines 3-7). Dicarboxylic acids used to coat the tablets have a melting point that is preferably from 40° C to 200° C (See Page 5, Lines 8-10). A method of coating is disclosed where molten dicarboxylic acid is applied to the compressed detergent tablet (See Page 2, Lines 16-28; and Page 5, Lines 11-24). The coated detergent tablets may further comprise additional components, including chelating agents (See Page 17, Line 26).

The Van Dijk document does not teach the addition of water to the molten dicarboxylic acid during the coating process, nor does it teach further process steps directly pertaining to the addition of water in the coating process.

The Sanders patent teaches a coating process comprising the preparation of a hot-melt coating composition comprising a combination of one or more solid aliphatic dioic acids (See Abstract; and Column 5, Lines 8-20). Dioic acids that are preferred in the coating process

Art Unit: 1615

include those with about 5 to about 10 carbon atoms; specific acids include glutaric acid, adipic acid, pimelic acid, suberic acid, azelaic acid, and sebacic acid (See Column 6, Lines 12-33). It is disclosed that the use of large of solvents are to be avoided in the coating process, minor amounts of such solvents can be tolerated and may even be beneficial. A small amount of water, up to about 5% by weight of the coating composition, will act as a plasticizer and rheology-modifier without requiring a solvent drying step (See Column 5, Lines 21-34; and Column 7, Lines 40-63).

It would be obvious to one of ordinary skill in the art to combine the teachings of Van Dijk and Sanders into the objects of the instant application. The disclosed coating processes of Van Dijk and Sanders are both directed to the application of molten dicarboxylic acids as a coating. Both Van Dijk and Sanders also list some of the same specific dicarboxylic acids as preferred coating materials in their respective disclosures. It is the position of the examiner that one of ordinary skill in the art would be motivated to add relatively small amounts of water into the coating process of Van Dijk in order to incorporate the benefits of such a step as taught by Sanders, with a reasonable expectation of success. It is also the position of the examiner that it is within the purview of one of ordinary skill in the art to envision the claim limitations directed to process temperature, timing of the addition of water, and feed rates of water. The examiner therefore shifts the burden onto the applicant to show the criticality of such limitations. Thus, the claimed invention as a whole is *prima facie* obvious.

Application/Control Number: 09/902,047
Art Unit: 1615

Page 5

Correspondence

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Simon J. Oh whose telephone number is (703) 305-3265. The examiner can normally be reached on M-F 8:30 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thurman K Page can be reached on (703) 308-2927. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-3014 for regular communications and (703) 305-3014 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1234.

Simon J. Oh
Examiner
Art Unit 1615

sjoh
September 25, 2002

THURMAN K. PAGE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1600
